

# THE JURY

To Try the Annie E. George Case  
Being Selected.

## THE PROSECUTION LEADS IN QUESTIONING

The Jurors of Whom Many Are Called But Few Are Chosen—  
During the Jangling of the Attorneys Mrs. George Takes  
an Active Interest and Evidently Is Familiar  
With Her Attorney's Telling Points.

The attorneys for Annie E. George may well be satisfied with the result of the first day of the trial. While on the surface it does not appear that a great deal has been accomplished, yet the preliminary skirmishes were gotten out of the way and decisions rendered that led up to the immediate commencement of the case. Prosecutor Pomerene was not pleased to have the evidence of Russell Hogan, the young son of Martin J. Hogan, go to the jury as it had been given to the coroner. Particularly was this so as the prosecutor insists that before the grand jury the young man told a story that was not so bald as the one that he told to the coroner. They were substantially the same, but the statement as to who the figure in black was, that passed the young man after the shooting, was not given with such a degree of directness as it will reach the jury that will decide whether Mrs. George will go free or to the electric chair. Then the absence of Mrs. Althouse comes in with more favor to the defense than to the state.

Then the attorneys ply him with questions on the points mentioned, to determine whether he is a fit person to sit on the jury.

GEORGE W. NIESZ

of the Second ward, Canton, a retired merchant, was first called. He was sworn by Clerk of Courts Casselman and was inquired of by Prosecutor Pomerene. He had talked with his own family about the case, but with no outsiders. He had no opinions that would preclude him from finding a verdict of guilty in a crime punishable by death. He had read of the crime in the papers and had read the various reports of the occurrence in the News-Democrat and other papers. The juror qualified and was accepted for the present.

HENRY A. SMITH

of Canton was called and interrogated by Attorney Grant. He is a blacksmith, had read the papers but had formed no opinion about the case. He is not opposed to capital punishment. Mr. Smith was qualified to act in the case and was accepted for the present.

"On what was your opinion based?" asked the court.  
"On the actions of the parties before the crime," responded the juror.  
In answer to a question by the prosecutor, juror said he could render a verdict according to the evidence. He thought he could go into the case with an unbiased mind. The juror was not opposed to capital punishment nor to conviction on circumstantial evidence. He was allowed to remain.

LAFAYETTE SWIGART

of Lawrence township was next called. He had read the papers and had partially formed an opinion, but was not biased.

"Have you had Mr. Sterling in your employ?" was asked by Mr. Grant.

"Yes sir," Mr. Swigart answered.

"Have you never heard this case talked over in Mr. Sterling's office?"

"No sir."

"Mr. Sterling is not employed as your counsel now?"

"No sir."

"Is there any reason why you could not sit unbiased in this case?"

"None, only I prefer not to be a juror."

He was allowed to sit.

AUGUST BARCHFIELD,

a meat dealer, was called. He is a Cantonian who resides in the Sixth ward. He had heard the case discussed and had formed and expressed an opinion. He was challenged and excused.

CHARLES SPEIDEL

of Wilmet is in the timber business. Mr. Sterling had given him counsel in a law suit, but was not his counsel now. He had formed and expressed an opinion and was excused. After cautioning the gentlemen called to serve on the jury, court adjourned to 8:30 o'clock Wednesday morning.

### FIT FOR THE ORDEAL.

Mrs. George Appeared Bright When She Took Her Place Wednesday Morning—Her Son.

When Mrs. George came into court Wednesday morning she was attired as she had been the day previous and appeared bright and fit for any ordeal. She had arisen early at the jail and partook of a light breakfast of poached eggs and toast, fortified by a cup of strong coffee. Mrs. Siddinger, her companion from Alliance, was with her when she came into court. There was no delay in the commencement of the proceedings. The attorneys were present early. Newton



MRS. GEORGE'S SON NEWTON.

George, the oldest son of the accused, had a seat behind his fair mother and was an intent listener to the proceedings. The crowd was light, but there were many waiting in the hallways. But two attorneys besides those engaged in the trial were present though there are usually several. Attorneys attend cases of this kind, as there are questions which arise that are interesting and worthy of note. The selection of a jury, however, makes it necessary to follow beaten paths and well defined practice, which accounts for the absence of attorneys.

JOHN ERB

of Tuscarawas township, a carpenter and slater, was interrogated by Mr. Grant. He was not opposed to capital punishment nor to finding one guilty on circumstantial evidence in a proper case. He was given a seat in the jury box.

MATHIAS ERTLE

of Massillon, a retired butcher, aged 71 years, was called and interrogated by Mr. Pomerene. He had talked about the case, had read about it and had formed an opinion. The state challenged and he was disqualified.

THOMAS SEXTON

of Canton was inquired of by Mr. Grant. He is a motorman on the A. B. C. road between Akron and Cleveland. He goes to his home here about once a month. He said he was not opposed to capital punishment. Mr. Sexton was asked as to whether anyone had approached him with reference to his opinion of the merits of the case. He said he had not, and was accepted for the present.

JOSEPH KIEFFER

of Canton was called. He had talked with his neighbors and friends and had read the papers, and had formed an opinion.

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entered the jury box at the opening of court, and then the "death watch" opened the doors to the corridor and the crowd came in. There were but four women among the indiscriminate hordes who filled through the door. All the seats were filled, but there was still standing room in the aisles at 2:30.

JOHN W. REESE

was the eleventh man who answered the summons in the special venire to take a seat in the box and submit to inquiry as to his qualifications. Mr. Grant interrogated him. He answered all the questions satisfactorily until it came to a question as to whether he had served on a jury recently. He said he had served on a jury before Judge McCarty in a case in which Mr. Grant had been an attorney. It developed also that the verdict had been against Mr. Grant, which caused a good-humored passage-at-arms between attorneys. His predilection for verdicts against Mr. Grant made him especially desirable in the minds of the defense. He was challenged by the state, not because he had returned a verdict against Mr. Grant, but because he had been on a jury at all. The court sustained the challenge and Mr. Reese was ordered to stand aside.

JOHN W. YOHE

was called. He is 22 years of age and is son of George W. Yohe of Canton. Mr. Yohe soon developed into a young man with an immovable opinion. He had set his jaws on a notion about this case, and it would take testimony to loosen them. The defense thought he would be a good man for its side, but the state did not want him, and he faded from the panel.

GEORGE STEINMETZ,

a Pike township farmer, took the seat recently vacated by Mr. Yohe and was interrogated by Mr. Grant. He said he had lived in Pike township as long as he had lived anywhere. He had read the papers but had formed no particular opinion. His answers to other questions were satisfactory and he was allowed to remain in the box, being the eighth juror accepted temporarily.

NELSON S. MILLER

is a Plain township farmer and he had answered a summons to appear and answer as to his qualifications to sit in this case. He had read of the case and had heard it talked about. His opinions were practically formed but he would bring in a true verdict despite that opinion. He was not opposed to capital punishment, but was opposed to conviction on circumstantial evidence. He said that no matter how strong the circumstantial evidence was, he would not find anyone guilty on that class of testimony alone.

The state challenged for cause. Mr. Wells objected to the challenge and the court made some inquiries of the juror.

"You say you would not find a verdict of guilty, no matter how strong the circumstances?" inquired the court.

"Yes sir."

"You may stand aside," said Judge Taylor. "No man who has a notion of that kind may sit in this case."

ABRAHAM FOSNAUGHT

resides in Perry township and is a well preserved man, with little black side whiskers. His hair is also black and he

dent, too," said Fosnaught, "but I throw them away."

This exhibition of superior judgment was noted. Mr. Fosnaught is a married man and has six children. He was accepted, making nine that had been secured at 9:45.

WENDELL P. FOX,

an employee of the Russell Company, Massillon, had heard of the murder. He had read the newspaper accounts and had formed an opinion that evidence would not remove. The state challenged and he was excused on the ground that he could not render an impartial verdict.

AMOS L. BRENNER

of Canton township, aged 34 years, was the first man who had been called in this case who would not take an oath but who affirmed. The form was administered by Clerk Casselman. He answered questions satisfactorily. He had an opinion about the case and the state challenged. The court asked some questions and the juror said that his opinion might be changed by evidence. He was accepted.

FREDERICK W. PREYER

of Massillon is also a young man with an opinion that was deep set. It had stuck in on him to the extent that no sort of evidence would prove an antidote, and he was excused.

ADAM GIBB

of Canton was next called to the box. He showed a certificate which set forth that he had been a member of the volunteers of the Canton fire department for five years and asked to be excused under the provisions of the statutes in such cases. The court examined the certificate and the juror was allowed to go.

JULIUS A. ZANG

of Alliance, a jeweler, had heard of the case on the night of its occurrence and had read accounts of the occurrence in various papers. He had also had conversation but had formed no expressed opinion. He said he believed in capital punishment, and said circumstantial evidence was sufficient for him. He knew neither George D. Saxton nor the accused. He knew of no reason why he should not sit in the case, and qualified in other matters. He was accepted, being the eleventh juror.

JOSIAH SHIVELY

resides just outside the city limits, in Canton township. Mr. Shively was formerly a court bailiff. He had read of the case in the News-Democrat and other papers and had talked of it with friends and his family. He had formed an opinion of the case and had expressed it. He was the special bailiff at the door of the grand jury room when the grand jury was inquiring into the case. He could not give an impartial verdict under the circumstances and was ordered to stand aside.

DAVID WARSTLER

of Plain township, a farmer, took the twelfth chair in the jury box and inquiry was made of him as to his qualifications to remain here. He answered all questions satisfactorily and was allowed to remain.

PANEL FILLED.

Mr. Warstler filled the panel and the time for peremptory challenges, of which

After consultation, Mr. Grant announced that Lafayette Swigart might be excused, and he stepped down and out. The state now had but one peremptory challenge left, and there were at least three men yet on the jury who had been inquired of very closely as to their qualifications when they first entered the box, which caused the supposition that the state was not anxious to have them on the jury, and had done its best to be rid of them for cause. At least two of them must remain on the jury unless removed peremptorily by the defense. In place of Mr. Swigart the next juror on the list was called. He was H. H. Everhard of Massillon. He qualified in other matters but was distinctly related to George D. Saxton. His mother's sister's daughter was an aunt of the late George D. Saxton. The state



MRS. GEORGE'S SON, HOWARD.

did not desire to challenge on the ground of consanguinity within the fifth degree, and then followed some figuring as to whether the relationship was within the fifth degree. Judge Taylor said he could not bother his head with such a problem. No challenge was offered by either side, and the panel was again full. After an inquiry of the whole panel, as mentioned elsewhere, David Warstler was excused and

LEWIS W. LIND

of Plain township, a school teacher, took his place in the box. He had talked somewhat about the case. While he was being interrogated the hour of adjournment arrived, and suspension was had until 1 o'clock.

### INCREASING LIST

Of Witnesses in the Murder Trial—  
Expenses Will Amount to  
Big Sums.

The list of witnesses in the Anna E. George case continues to grow daily. One hundred and sixty persons have already been subpoenaed, and indications are that more will follow. The witnesses for the defendant reported to Clerk Casselman Tuesday, and today the state's witnesses are having their names inscribed on the clerk's docket. Witnesses receive \$1 per day from the time they report to the clerk until they are excused. Should a witness report today and his testimony be taken ten days hence he will receive \$10. As the witnesses subpoenaed yesterday are not likely to be called for four or five days at least, from the time they reported, a seemingly unnecessary expense is incurred in this respect alone. Murder trials, however, are always expensive, and this one no doubt will cost the county a pretty figure. The fortunate witness who reported today and is called three weeks from today may appear a few days later with a new suit of clothes and the price to break it in—all at the expense of old Mollie Stark.

The following additional witnesses have been subpoenaed for the defense and are to report Monday, April 10: C. D. Bachtel, Mary B. Barber, H. S. Kauffman, Benjamin Belter, Christian Ruff, Robert D. McCoy, Edward Horner, Charles Walford, Daniel Wesley, William Patton, — McNeary, Adam Jackson, Mabel Manderbaugh, J. H. Reigner, F. H. Darr, R. C. Milner and J. E. McKinney.

### THE WOMAN IN BLACK

May Have Been a Man in Black—A Theory That May Prove True.

Among the various theories advanced at the time of the shooting by those who do not believe Annie E. George guilty of the crime with which she stands charged—and there is a host of those who believe her innocent—was the theory that the shooting might have been done by a man dressed in woman's clothes. "May not the woman in black have been a man in black; that is, a man disguised in a woman's black dress?" was the question asked and no one could say nor has said that such could not have been the case. Now it is understood the defense in the case now on trial has positive assurances that a man so disguised, was seen on the night prior to the tragic occurrence, in various parts of the city. What the man did or intended to do that he should meander over the city in such a disguise is not known. It is said, however, that it is known that a man so disguised was seen in different parts of the city, but so far the defendant's attorneys have been unable to locate the fellow by any witness in the vicinity of the shooting. Should they succeed in doing this another startling phase in the celebrated case will present itself.

## TWO GRAVES

Receive the Bodies of Two War  
Heroes,

WHO DIED WHILE ON DUTY,

In the Fever-Infected Districts Near  
Santiago.

THE TWO CANTON COMRADES,

Wingerter and Turner, Are Buried With the Honors Due to a Brave Soldier, While Relatives and Friends Shed Tears Over Their Resting Place.

Services over the remains of the dead heroes of the Eighth Ohio were held today, the first over the body of Ed. J. Wingerter in St. Peter's Catholic church at 9 o'clock, and the second over those of Corporal Charles Turner in the United Brethren church at 2 o'clock.

The funeral services of Edward J. Wingerter, a private of Co. I, were largely attended by the friends and relatives of the deceased. Requiem mass was celebrated and an eloquent sermon preached by Rev. Father Schwertner. In words that brought tears to many eyes he told of the sacrifice which the volunteer had undergone. The mere fact that this dead hero bore his struggles against death and his brave endurance in suffering should be a solace to his sorrowing friends. Remains were interred in St. Peter's cemetery.

Services were held over the remains of Corporal Charles Turner, of Co. L, at 2 o'clock in the United Brethren church. The pastor spoke words of praise for the dead hero, who during life had been so kind and considerate of all who knew him. The fact that he died in behalf of a noble cause was extended as a word of solace for his loss to his grief stricken parents. The remains were interred in Westlawn cemetery.

Both services were attended by the three companies of Canton, headed by the drum corps. The floral offerings were fine. The services of Edward S. Wingerter were attended by the Knights of St. John, and at both funerals the companies, headed by their officers, marched to the burial grounds, where a salute was fired over the graves of each and the taps sounded.

### BADLY HURT.

Mr. Frank Harmony, a Former Resident of Canton, Meets With an Accident.

The Alliance Leader says: Frank Harmony, an employee of the steel works, was badly hurt Monday night by a fall of heavy castings. The city ambulance conveyed him to his home, Union avenue and Ely street. Medical aid was given by Dr. Tressel who found the right hip mashed and other painful injuries along his side and on his head. The injured man was unconscious for some time and on regaining consciousness was put under the influence of opiates on account of the intense pain. The injuries are considered very serious. The unfortunate man is a brother of John C. Harmony, manager of the Canton News-Democrat.

### DESERVE PENSION.

The Eighth Ohio Boys Were Badly Treated and No Kick Should Be Made About It.

Scraps-McRea League Special.  
Washington, April 5.—Pension Commissioner Evans states that among the five regiments making the most applications for pensions on account of the Spanish war are the Thirty-fourth Michigan with 398 applications, Thirty-third Michigan with 319; and the Eighth Ohio with 349.

### THE CRAVER CHILDREN

Will Receive a Portion of an Estate if Their Whereabouts Becomes Known.

Attorney Charles R. Miller today received a letter from Pennsylvania parties asking for information of the whereabouts of the three children of Charles Craver who formerly resided in this city. When Craver died the children were taken to the poor house but shortly thereafter they were adopted by Anthony Halter who died 30 years ago. What became of the children is not known. A Mrs. Haber of Eberburg, Pa., died recently leaving an estate to which the missing Craver children are heirs. Attorney Miller is anxious to learn any information that would lead to their discovery.

### CASTORIA.

The Kind You Want Always Bought  
Beware of cheap imitations.  
J. C. Patterson



J. J. GRANT, ASSISTANT ATTORNEY FOR STATE.

evidently feels that he is not unhand-some.

"How old are you?" inquired Mr. Grant.

"You guess and I'll tell you," was the response of Mr. Fosnaught.

"Answer the question," said the court.

"I am 65," said the juror.

Mr. Fosnaught thinks he looks young and was chary in answering as to his age. It is possible that he expected to sit in the trial and did not propose to be put down as a fossil. The accused in this action is handsome and unmarried. Mr. Fosnaught, it developed, is also a confirmed pursuer of the Cleveland Leader, which is cause for challenge in some states.

"I take the Repository and Independent

the state had two and the defense sixteen, had arrived.

Prosecutor Pomerene then asked the court to direct what should be done as to peremptory challenges. He called attention to the fact that the state had but two challenges and the defense so many more that it appeared to be a hardship to the state. The court did not feel inclined to wipe out the statutes, and asked the state if it was content with the jury. The prosecuting attorney desired that the defense exhaust some of its challenges first, allowing the state to reserve the two it had. Judge Taylor said the practice has been to inquire of the state if it were content with the jury. If it were not, the right to challenge peremptorily must be exercised if desired. After the first challenge of this sort the court said the state would have more latitude.

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